

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ENCOMPASS INSURANCE
COMPANY, as subrogee of JENNIFER
and RICHARD ABDINOOR,

Plaintiffs,

vs.

U.S. HOME CORPORATION, a
wholly owned subsidiary of LENNAR
CORPORATION, a Delaware
corporation; and SOUTHWEST
HOMES, LTD, a Nevada Limited
liability company,

Defendants.

2:11-CV-1541-PMP-LRL

ORDER

On October 26, 2011, the Court entered an Order (Doc. #10) granting Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. #5), because Plaintiff had failed to file a timely response.

On October 27, 2011, Plaintiff filed a Motion for Reconsideration (Doc. #11) arguing it failed to respond to Defendants' Motion to Dismiss (Doc. #5) only because it did not receive it. As a result, Plaintiff asks the Court to set aside the Order of Dismissal (Doc. #10) entered October 26, 2011, and permit the Parties to fully brief Defendants' Motion to Dismiss (Doc. #5) prior to adjudication.

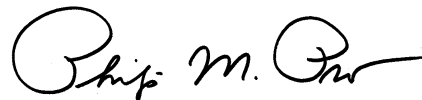
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1 Although it appears that Plaintiff's failure to receive Defendants' Motion to
2 Dismiss (Doc. #5) resulted from the failure of Plaintiff's counsel to properly update
3 pertinent information with this Court's CM/ECF System, as required by
4 Special Order #109, the Court nonetheless finds that the dispositive Motion to
5 Dismiss (Doc. #5) filed on behalf of Defendants should be adjudicated on the merits.

6 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for
7 Reconsideration (Doc. #11) is **GRANTED**, and that this Court's Order (Doc. #10)
8 granting Defendants' Motion to Dismiss (Doc. #10) is hereby **VACATED**.

9 **IT IS FURTHER ORDERED** that Plaintiff shall have to and including
10 **December 5, 2011** within which to file a response to Defendants' Motion to Dismiss
11 (Doc. #5). Defendants shall thereafter have to and including **December 19, 2011**
12 within which to file a reply memorandum.

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14 DATED: November 21, 2011.

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16 PHILIP M. PRO
17 United States District Judge
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